



E-Filed on 9/4/07
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## UNITED STATES BANKRUPTCY COURT

### DISTRICT OF NEVADA

13      In re:

14      USA COMMERCIAL MORTGAGE COMPANY,  
 15      USA CAPITAL REALTY ADVISORS, LLC,  
 16      USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
 LLC,  
 17      USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 18      USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR  
 Case No. BK-S-06-10726-LBR  
 Case No. BK-S-06-10727-LBR  
 Case No. BK-S-06-10728-LBR  
 Case No. BK-S-06-10729-LBR

### CHAPTER 11

Jointly Administered Under Case No. BK-S-06-  
 10725 LBR

**Notice of Hearing; Objection of USACM Trust  
 To Martin Irwin's Claim Filed in Wrong  
 Debtor's Case; Objection of DTDF to Proposed  
 Allowance of Claim**

Hearing Date: October 15, 2007  
 Hearing Time: 9:30 a.m.

20      **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

# **NOTICE OF OBJECTION TO CLAIM**

**THE USACM LIQUIDATING TRUST AND USA CAPITAL DIVERSIFIED  
TRUST DEED FUND, LLC ARE OBJECTING TO THE CLAIMS THAT YOU  
FILED. UNLESS THE RESPONSE DEADLINE IS ADVANCED BY THE COURT,  
THE DEADLINE TO RESPOND TO THE OBJECTION IS OCTOBER 5, 2007.  
PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT TO  
DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS REGARDING THE  
AMOUNT OF A CLAIM OR THE FILING OF A CLAIM SHOULD BE  
DIRECTED TO THE UNDERSIGNED COUNSEL.**

**NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and through its counsel, has filed an Objection to your claim filed in USA Commercial Mortgage Company, Case No. 06-10725 on the ground that the claim is based upon an equity interest in USA Capital Diversified Trust Deed Fund, LLC (“DTDF”) Case No. 06-10727. DTDF, by and through its counsel, further objects to any proposed allowance of your claim against the DTDF estate because the equity interest of Martin Irwin, Trustee of the Irwin Family Trust UAD 3/7/97 (the “Irwin Trust”) in DTDF has already been deemed allowed. A copy of the Objection is provided to you with this notice.

The Objection requests that the Court enter an order disallowing all or part of your claim as to USACM and DTDF. If the Court grants the requested relief, it will not affect the Irwin Trust's existing equity interest in the DTDF estate to the extent it holds an equity interest in DTDF.

**NOTICE IS FURTHER GIVEN** that, unless the hearing date is advanced by the Court, the hearing on the Objection will be held before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on **OCTOBER 15, 2007** at the hour of **9:30 a.m.** **THE HEARING WILL BE HELD FOR THE PURPOSE OF STATUS**



1           **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**  
2           **ARGUMENTS WILL BE HEARD ON THAT DATE. HOWEVER, IF THERE IS**  
3           **NO RESPONSE TO THE OBJECTION, THE COURT MAY GRANT THE**  
4           **RELIEF REQUESTED IN THE OBJECTION AND DISALLOW THE CLAIMS**  
5           **FILED AGAINST USACM AND THE DTDF.**

6           **NOTICE IS FURTHER GIVEN** that, unless the response deadline is advanced by  
7           the Court, any response to the Objection must be filed by October 5, 2007 pursuant to  
8           Local Rule 3007(b), which states:

9           If an objection to a claim is opposed, a written response must be filed and  
10          served on the objecting party at least 5 business days before the scheduled  
11          hearing. A response is deemed sufficient if it states that written  
12          documentation in support of the proof of claim has already been provided to  
            the objecting party and that the documentation will be provided at any  
            evidentiary hearing or trial on the matter.

13          If you object to the relief requested, you *must* file a **WRITTEN** response to  
14          this pleading with the Court. You *must* also serve your written response on  
            the person who sent you this notice.

15          If you do not file a written response with the Court, or if you do not serve  
16          your written response on the person who sent you this notice, then:

- 17           • The Court may *refuse to allow you to speak* at the scheduled hearing;  
            and
- 18           • The Court may *rule against you* without formally calling the matter at  
            the hearing.



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2           Dated: September 4, 2007.  
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4           **BECKLEY SINGLETON, CHTD.**  
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6           By /s/ Anne M. Loraditch  
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12           and

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30          *Counsel For USACM Liquidating Trust*

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32          Copy of the foregoing  
33          Mailed this 4th day of  
34          September, 2007 to:

35  
36          Martin Irwin  
37          5221 Lindell Rd M102  
38          Las Vegas, NV 89118

39          By /s/ Renee L. Creswell